

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RHASHAWN WILSON,

Plaintiff,

-against-

CITY OF NEW YORK, et al.,

Defendants.

ORDER

21 Civ. 479 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

On September 15, 2022, this Court issued a scheduling order directing that Defendants' motion for summary judgment be served by October 14, 2022; that Plaintiff's opposition be served by November 4, 2022; and that any reply be served by November 11, 2022. (Dkt. No. 40)

On November 10, 2022, Defendants filed their summary judgment papers, along with a letter reporting that Plaintiff had not served any opposition papers, and a request that this Court deem Defendants' motion unopposed. (Dkt. No. 45 see also Dkt. Nos. 41-44)

On November 17, 2022, this Court ordered Plaintiff to address Defendants' letter. (Dkt. No. 46)

In a November 22, 2022 letter, Plaintiff "sincerely apologizes to the Court and opposing counsel for failing to submit a timely response to Defendants' motion for summary judgment, which was caused by severe law office failure that was further compounded by the recent and unexpected departure of several paralegals and attorneys." (Dkt. No. 48) Plaintiff "requests that the Court deny Defendants' request to deem their motion for summary judgment unopposed and fully briefed, and also that the Court grant Plaintiff's application for a nunc pro

tunc extension of time to file opposition papers thereto, until December 6, 2022, or any other date that may be acceptable to the Court.” (Id.)

That same day, Defendants filed a letter opposing Plaintiff’s request for an extension. (Dkt. No. 49)

On December 5, 2022, this Court granted Plaintiff’s motion for an extension of time, and directed Plaintiff to “submit his response to Defendants’ Motion for Summary Judgment . . . by December 6, 2022.” (Dkt. No. 50 at 2)

Plaintiff has not filed an opposition to Defendants’ motion for summary judgment. Accordingly, Defendants’ motion for summary judgment (Dkt. No. 41) is deemed unopposed and fully briefed.

Dated: New York, New York
December 13, 2022

SO ORDERED.

A handwritten signature in black ink, reading "Paul G. Gardephe". The signature is written in a cursive, flowing style with a large initial "P".

Paul G. Gardephe
United States District Judge